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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,391	03/30/2004	Dieter Gneiting	2003P03824	1740
24131	7590	08/19/2009	EXAMINER	
LERNER GREENBERG STEMER LLP			WONG, WARNER	
P O BOX 2480				
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			2416	
			MAIL DATE	DELIVERY MODE
			08/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,391	GNEITING ET AL.	
	Examiner	Art Unit	
	WARNER WONG	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Clemm (US 2007/0008958).

Regarding claim 1, Clemm describes a telecommunications call control method for providing control of a terminal (fig. 1, terminal 102A), the terminal being coupled to a telecommunications network (fig. 1, VoP network 110), the method comprising the steps of:

bi-directionally communicating call associated signaling messages to the terminal via a first network element (fig. 1 & para. 41, MGC 112A (first network element) in signaling and control plane 124 performing signaling for voice telephony).

Clemm also describes bi-directionally translating/communicating non-call associated signaling messages to the terminal via a second network element (para. 42, other (non-called associated) signals processed differently by traversing via the STP 116 (second network element), any other signaling can be considered).

Regarding claim 2, Clemm further describes:

the step of communicating the call associated signaling messages via a media gateway controller (MGC) (Clemm, fig. 1 & para. 41, packet telephony signaling via MGC 112).

Regarding claim 3, Clemm specifies communicating non-call associated signals via a signaling transfer point (STP) (para. 41, backhaul the other (non-call associated) signals not going to IP network 114 to STP 116).

Regarding claim 6, Clemm describes a telecommunications network for providing control of a terminal (fig. 1, terminal 102A), the terminal being coupled to a telecommunications network (fig. 1, VoP network 110), the method comprising the steps of:

first network element for bi-directionally communicating call associated signaling messages to the terminal (fig. 1 & para. 41, MGC 112A (first network element) in signaling and control plane 124 performing signaling for voice telephony for terminal 102).

Clemm further describes a second network element for bi-directionally translating/communicating other (non-call associated) signaling messages to the terminal (para. 42, other signals processed differently by traversing via the STP 116 (second network element)).

Regarding claim 7, Clemm further describes:

the step of communicating the call associated signaling messages via a media gateway controller (MGC) () (fig. 1 & para. 41, packet telephony signaling via MGC 112).

Regarding claim 8, Clemm specifies communicating other signals via a signaling transfer point (STP) (para. 41, backhaul signals not going to IP network 114 to STP 116). Clemm and Bedingfield combined further explicitly describe that the other signals/signaling messages being non-call associated messages (Bedingfield, abstract, STP 208 is used to transfer MWI (non-call associated) messages).

Regarding claim 10, Clemm further describes:

the telecommunications network includes a circuit switched network section and a packet switched network section (P) (fig. 1 & para. 41, telecom network comprises circuit-switched network 106 and packet-based VoP network 110).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemm in view of Bedingfield (US 6,724,863).

Regarding claim 4, Clemm fails to further describe: communicating the non-call associated signaling messages via a mediation function (MF) implemented in said signaling transfer point (STP).

Bedingfield describes:

communicating the non-call associated signaling messages via a mediation function (MF) implemented in said signaling transfer point (STP) (col. 2, lines 61-64 & col. 5, lines 41-49, STP 208 comprises the translation (mediation) function in communicating the MWI (non-call associated) message).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to specify that the STP of Clemm having a mediation function as in Bedingfield.

The motivation for combining the teachings is that it allows the STP to sort out shared telephone number that belong to a foreign network (Bedingfield, col. 4, lines 35-38).

3. Claim 5, 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemm as applied to claim 3 above, and further in view of Yoakum (US 2002/0075881).

Regarding claim 5, Clemm fails to describe:

the step of communicating the non-call associated signaling messages via a non-call associated signaling gateway (N-CAS-SIP GW) arranged in a communication path (S6, S5, P3) between the signaling transfer point (STP/SRP) and the terminal (B).

Yoakum describes:

the step of communicating the non-call associated signaling messages via a non-call associated signaling gateway (N-CAS-SIP GW) arranged in a communication path (S6, S5, P3) between the signaling transfer point (STP/SRP) and the terminal (B) (fig. 1,

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signaling gateway 28 for SIP server 26 is between STP 24 & terminal 30, used for providing other features such as automated callback (= CCBS) (non-call associated signaling messages), para. 25-26).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to incorporate a signaling gateway between STP & terminal as in Yoakum for the combined telecommunication network of Clemm.

The motivation for combining the teachings is that it allows other features such as automated callback to be established in telephony communications (Yoakum, para. 25).

Regarding claim 9, Clemm fails to describe:

a non-call associated signaling gateway (N-CAS-SIP GW) coupled to a signaling transfer point (STP).

Yoakum describes:

a non-call associated signaling gateway (N-CAS-SIP GW) coupled to a signaling transfer point (STP) (fig. 1, signaling gateway 28 for SIP server 26 is coupled to a STP 24).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to incorporate a signaling gateway coupling to a STP as in Yoakum for the combined telecommunication network of Clemm.

The motivation for combining the teachings is that it allows other features such as automated callback to be established in telephony communications (Yoakum, para. 25).

Regarding claim 11, Clemm further describes:

the first and second network elements are coupled to both the circuit switched and the packet switched network sections (fig. 1, MGC 112 & STP 116 (first & second network elements) are connected/coupled to both the circuit-switched network 106 and packet-based VoP network 110 sections).

Clemm fails to explicitly describe: the terminal is an element of the packet switched network section.

Yoakum describes: the terminal is an element of the packet switched network section (P) (fig. 1, IP terminal 30 is an element of packet-switched network 14).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to specify that the terminal is an element of the packet switched network section as in Yoakum for terminal in the combined telecommunication network of Clemm.

The motivation for combining the teachings is that it allows other features such as automated callback (= CCBS) to be established in telephony communications (Yoakum, para. 25).

Regarding claim 12, Clemm fails to explicitly describe:

the packet switched network section operates in accordance with Session Initiation Protocol SIP.

Yoakum describes a telephony network where:

the packet switched network section operates in accordance with Session Initiation Protocol SIP (para. 28, packet-based network 12 supporting SIP protocol).

It would have been obvious to one with ordinary skill in the art at the time of invention by applicant to specify that SIP protocol be used as in Yoakum for packet switched network section of the combined telecommunication network of Clemm.

The motivation for combining the teachings is that it allows features such as automated callback (= CCBS) to be established in telephony communications (Yoakum, para. 25).

Response to Arguments

4. Applicant's arguments filed June 10, 2009 have been fully considered but they are not persuasive.

On p. 3 last paragraph, the applicants debut that "Clemm deals only with managing packet voice networks." The examiner understands that the instant application also deals with (voice) telecommunications.

In the paragraph, the applicants continue to argue "Nowhere in Clemm's disclosure are the terms 'call associated signaling' and 'non-call associated signaling' as recited in claims 1 and 6 of the instant application, discussed or even mentioned." The examiner respectfully disagrees.

The examiner noted that that the claim limitations are very terse, thus allowing his broadest interpretation in such language. The examiner also understands that it is not necessary to use the exact applicants' terms/wordings depicted above.

Hence, the examiner has properly equated/cited the signaling & control signals which can traverse thru the Voice Over Packet (VoP) network (via MGC 112A, 112B

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and IP network 114) as the applicants' term "call associated signaling" (see para. 41 in view of fig. 1). The examiner also properly equated/cited the certain signal & control signals that cannot traverse thru IP network 114 (i.e. VoP network 110) & is required to traverse via STPs instead as the applicants' term "non-call associated signaling" (see para. 42 in view of fig. 2).

On p. 4 para. 4-6, the applicants argue regarding claim 4 that "Clemm deals with managing packet voice networks using a virtual switch approach. Bedingfield deals with forwarding information in a telephone network using pseudo telephone numbers. Therefore, it is not obvious for a person skill in the art as to how to combining Clemm and Bedingfield". The examiner respectfully disagrees.

The examiner understands that both Clemm and Bedingfield references describe (voice) telecommunications. A person skilled in the art should be able to very well read on similar telecommunications structures & subcomponents such of STPs and switches found in each prior art as well as the specifications of the instant applications and be able to modify the Clemm reference to incorporate a converter (mediation function) in converting 1 type of signaling to another as that of Bedingfield. A proper motivation has been provided. Hence, Clemm and Bedingfield should be combinable.

On p. 5 para. 1-3, the applicants argue regarding claims 5 and 9 that "Clemm deals with managing packet voice networks using a virtual switch approach. Yoakum discloses a transaction manager capable of coordinating interworking between disparate networks. Therefore it is not obvious for a person skilled in the art as to how to combine Clemm and Yoakum." The examiner respectfully disagrees.

The examiner understands that both Clemm and Bedingfield references describe (voice) telecommunications. A person skilled in the art should be able to very well read on similar telecommunications structures & subcomponents such of STPs, media gateways, and switches found in each prior art as well as the specifications of the instant applications and be able to modify the Clemm reference to incorporate the signaling gateways by the STP as that of Yoakum. A proper motivation has been provided. Hence, Clemm and Bedingfield should be combinable.

On p. 5 para. 6, the applicants summarize the above arguments indicating that Clemm, Bedingfield and Yoakum combined fail to describe the mediation function as well as the signaling gateway which has been responded above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WARNER WONG whose telephone number is (571)272-8197. The examiner can normally be reached on 6:30AM - 3:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Warner Wong
Examiner
Art Unit 2416

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